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SABIC INNOVATIVE PLASTICS SALARY CONTINUANCE  
PLAN

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Attorney for Plaintiff  
LAURIE COUTO

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

LAURIE COUTO,  
  
Plaintiff,  
  
v.

SABIC INNOVATIVE PLASTICS SALARY  
CONTINUANCE PLAN,  
  
Defendant.

Case No. CV12-00633

**JOINT ~~PROPOSED~~ DISCOVERY PLAN  
AND PROPOSED ORDER**

Complaint Filed: February 9, 2012  
Trial Date: None Set  
Judge: Hon. Ronald M. Whyte

1 Plaintiff and Defendant disagree over the scope of discovery in this ERISA case. Plaintiff  
2 proposes conducting limited discovery confined to discovering evidence that will prove the  
3 insurance company's bias, conflict of interest, failure to follow procedures, or failure to provide a  
4 full and fair review of the claim.

5 This Discovery will include the following:

- 6 1. 20 Interrogatories;
- 7 2. 20 Requests for Admissions;
- 8 3. 20 Document requests.

9 Plaintiff is to serve these discovery requests within 30 days of the Court's approval of this  
10 discovery plan. Plaintiff also proposes that if after the Defendant's responses are received, Plaintiff  
11 deems depositions or other follow-up discovery necessary, the Parties shall meet and confer  
12 regarding this issue and if the dispute cannot be resolved Plaintiff shall file a motion to compel said  
13 deposition(s) or other follow-up discovery.

14 Defendant contends the discovery should be limited to production of the administrative  
15 record and Plan Documents which have already been provided to Plaintiff's counsel. To the extent  
16 the Court allows additional discovery narrowly tailored to the alleged conflict of interest,  
17 Defendant does not object to the schedule proposed by Plaintiff and it will respond or object to the  
18 actual discovery once it has an opportunity to review same. Even if narrowly tailored paper  
19 discovery is allowed, Defendant contends that depositions would be inappropriate in the claim for  
20 ERISA benefits.

21 Additionally, Plaintiff has filed both DFEH and EEOC complaints regarding her wrongful  
22 termination from SABIC Innovative Plastics ("SABIC"). Plaintiff has now received "right to sue"  
23 letters from both agencies. Plaintiff will either file a separate court action for employment related  
24 claims against SABIC or will amend her Complaint in this matter to assert said claims. Should  
25 Plaintiff file a separate state court claim, Defendant will seek to remove Plaintiff's employment  
26 related case on diversity grounds and will seek to consolidate that matter with this case. If Plaintiff  
27 chooses to amend her Complaint in this action to include the employment related claims against  
28 SABIC, she will do so within 30 days of the Court's approval of this discovery plan. If said

amended Complaint is filed, both Plaintiff and Defendant will meet and confer regarding a separate discovery plan for the employment related claims.

DATED: February 7, 2013

OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.

By: /s/ Christopher M. Ahearn

Christopher M. Ahearn

Attorney for Defendant  
SABIC INNOVATIVE PLASTICS SALARY  
CONTINUANCE PLAN

DATED: February 7, 2013

WOLFORD LAW FIRM.

By: /s/ Jason N. Wolford

Jason N. Wolford

Attorneys for Plaintiff  
LAURIE COUTO

**PROPOSED ORDER**

It is so ordered.

Dated: October 23, 2013



Hon. Ronald M. Whyte